

1 FREDERICK A. BLACK
United States Attorney
2 MIKEL W. SCHWAB
Assistant U.S. Attorney
3 Sirena Plaza, Suite 500
108 Hernan Cortez Avenue
4 Hagatna, Guam 96910
TEL: (671) 472-7332
5 FAX: (671) 472-7215

6 Attorneys for the United States of America

FILED
DISTRICT COURT OF GUAM
MAR 12 2003
MARY L. M. MORAN
CLERK OF COURT

11

8 DISTRICT COURT OF GUAM
9 TERRITORY OF GUAM

10 CARMEN KATHERINE RODRIGUEZ,)
11)
Plaintiff,)
12)
vs.)
13)
14 JOSEPH E. MASTERS,)
Defendant.)

CIVIL CASE NO. 02-00033

AMENDED
SCHEDULING ORDER

16
17 Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure, and Local Rule
18 16.1 for the District Court of Guam, the parties hereby submit the following First Amended
19 Scheduling Order.

20 The Scheduling is Amended to reflect a more serious reflection on the potential for the
21 case to go beyond disposition by motion.

22 At the hearing of March 3, 2002, the Court correctly pointed out that the United States
23 had assumed the matter would be quickly settled and had not put the appropriate and necessary
24 detail into a Scheduling Order and Discovery Plan, reflecting all possible discovery and trial.
25 Changed dates are indicated in bold for easy reference.

26 This Amended Scheduling adds approximately 120 days to the scheduled trial date and
extends the other schedule points accordingly.

ORIGINAL

1 1. The nature of the case is as follows:

2 Plaintiff seeks injunctive relief under 7 G.C.A. 20302, alleging that the Defendant
3 has intentionally caused injury to the Plaintiff and Plaintiff is in fear of imminent injury.

4 Defendant denies the substantive fear of imminent injury and challenges the
5 appropriateness of seeking a restraining order in the context of a labor dispute between a federal
6 employee and her federal supervisor where the contact is limited solely to the federal
7 employment on an exclusively federal enclave (Andersen Air Force Base).

8 2. The posture of the case is as follows:

9 a.) The following motions are on file:

10 1. Plaintiff's Ex Parte Motion for Order to Show Cause

11 b.) The following motions have been resolved:

12 1. Plaintiff's Ex Parte Motion to Show Cause.

13 2. Defendant's Application for Writ of Certiorari (**removal to Federal**
14 **Court**).

15 c.) The following discovery has been initiated:

16 Defendant has disclosed documents relevant to the ongoing employment
17 dispute between the plaintiff and the DODEA school system.

18 3. All motions to add parties and claims shall be filed on or before: **Friday, March 21,**
19 **2003.**

20 4. All motions to amend pleadings shall be filed on or before **Friday, March 21, 2003.**

21 5. Status of Discovery:

22 The Discovery Plan attached hereto is adopted and incorporated as part of this
23 First Amended Scheduling Order.

24 6. The parties appeared before the Court for the scheduling conference on March 3, 2003,
25 at which time the Court pointed out the deficiencies in the scheduling order and the lack of a
26 sufficiently detailed discovery plan, thus leading to this filing.

1 7. The discovery cut-off date is **Monday, April 28, 2003.**

2 8. a.) The anticipated discovery motions are: None at this time.

3 All discovery motions shall be filed on or before **Monday, May 5, 2003**, and
4 heard on or before **Friday, May 30, 2003.**

5 b.) The anticipated dispositive motions are:

6 The United States anticipates the possible filing of a motion for dismissal or, in
7 the alternative, summary judgment based on the absence of a factual basis for the restraining
8 order; the preemption of civil service, base security, federal teacher's union, EEOC and other
9 remedies; the supremacy clause provisions of policing activities on a U.S. military base, and the
10 lack of jurisdiction for domestic restraining orders in the context of an employment dispute on a
11 federal enclave.

12 All dispositive motions shall be filed on or before **Monday, June 30, 2003** and
13 heard on or before **Friday, August 1, 2003.**

14 9. The prospects for settlement are:

15 **Plaintiff's Position:** No prospect of settlement is foreseen at this time

16 **United States' Position:** The United States believes the issues will be resolved by
17 dispositive motion.

18 10. The Preliminary Pretrial Conference shall be held on the st21st day of October,
19 2003, at 3³⁰ p.m. (no later than 21 days prior to trial date)(time to be set by the Court).

20 11. The parties' pretrial materials, discovery material, witness lists, designations and
21 exhibit lists shall be filed on or before **Monday, October 27, 2003.** (no later than fourteen (14)
22 days prior to trial).

23 12. The Proposed Pre-Trial Order shall be filed on or before the **3rd day of November**
24 **2003.** (seven days prior to trial) .

25 13. The Final Pre-Trial Conference shall be held on the **5th day of November, 2003**, at
26 3³⁰ p.m. (7 days prior to trial)(time to be set by the Court).

14. The trial shall be held on Wednesday the 12th day of November, 2003, at 9:30 a.m.

15. The trial is not a jury trial (it is an application for a restraining order).

16. It is anticipated that it will take one day to try this case.

17. The names of counsel in this case are:

DANIEL S. SOMERFLECK, Director
Guam Legal Services
(*Pending approval for withdrawal from case)


MIKEL W. SCHWAB
Assistant United States Attorney

18. The Plaintiff and Defendant do wish to submit this case to a settlement conference.

19. The parties present the following suggestions for shortening trial: **NONE**.

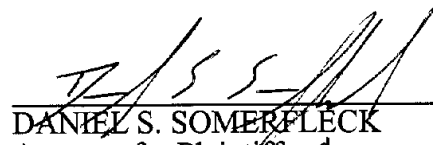
20. The following issues will also affect the status or management of this case: **NONE**

DATED THIS 12th day of March 2003.


JOHN S. UNPINGCO
Chief District Judge

APPROVED AS TO FORM AND CONTENT:

FREDERICK A. BLACK
United States Attorney
Districts of Guam and NMI


DANIEL S. SOMERFLECK
Attorney for Plaintiff


MIKEL W. SCHWAB
Assistant U.S. Attorney

RECEIVED

MAR 10 2003

DISTRICT COURT OF GUAM
HAGATNA, GUAM